

## Commercial Space Act of 1998

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On October 28, 1998, the President signed the Commercial Space Act of 1998 creating Public Law 105-303. Section 107 of the law contains language on acquisition of earth science data and changes to the Land Remote Sensing Policy Act of 1992. That section is shown below in its entirety.

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### PL 105-303: Commercial Space Act of 1998

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#### ***SEC. 107. SOURCES OF EARTH SCIENCE DATA.***

*(a) ACQUISITION- The Administrator shall, to the extent possible and while satisfying the scientific or educational requirements of the National Aeronautics and Space Administration, and where appropriate, of other Federal agencies and scientific researchers, acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.*

*(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS- Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code). For purposes of such law and regulations, such data, services, distribution, and applications shall be considered to be a commercial item. Nothing in this subsection shall be construed to preclude the United States from acquiring, through contracts with commercial providers, sufficient rights in data to meet the needs of the scientific and educational community or the needs of other government activities.*

*(c) STUDY- (1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Earth Science can be met by commercial providers, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by commercial providers.*

*(2) The study conducted under this subsection shall--*

*(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to commercial providers to enable commercial providers to better meet the baseline scientific requirements of Earth Science;*

*(B) make recommendations to promote the dissemination to commercial providers of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and*

*(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.*

*(3) The results of the study conducted under this subsection shall be transmitted to the Congress within 6 months after the date of the enactment of this Act.*

*(d) SAFETY STANDARDS- Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.*

*(e) ADMINISTRATION AND EXECUTION- This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.*

*(f) REMOTE SENSING-*

*(1) APPLICATION CONTENTS- Section 201(b) of the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5621(b)) is amended--*

*(A) by inserting '(1)' after 'NATIONAL SECURITY- '; and*

*(B) by adding at the end the following new paragraph:*

*'(2) The Secretary, within 6 months after the date of the enactment of the Commercial Space Act of 1998, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.'*

*(2) NOTIFICATION OF AGREEMENTS- Section 202(b)(6) of the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5622(b)(6)) is amended by inserting 'significant or substantial' after 'Secretary of any'.*

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